



General Assembly

Substitute Bill No. 3

February Session, 2004

* _____ SB00003AGEJUD030304 _____ *

AN ACT CONCERNING THE DUTIES OF THE CONSERVATOR OF A PERSON.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-656 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) The conservator of the person shall have: (1) The duty and
4 responsibility for the general custody of the respondent; (2) the power
5 to establish his or her place of abode within the state; (3) the power to
6 give consent for his or her medical or other professional care, counsel,
7 treatment or service; (4) the duty to provide for the care, comfort and
8 maintenance of the ward; (5) the duty to take reasonable care of the
9 respondent's personal effects; and (6) the duty to report at least
10 annually to the probate court which appointed the conservator
11 regarding the condition of the respondent. The preceding duties,
12 responsibilities and powers shall be carried out within the limitations
13 of the resources available to the ward, either through [his] the ward's
14 own estate or through private or public assistance.

15 (b) The conservator of the person shall not have the power or
16 authority to cause the respondent to be committed to any institution
17 for the treatment of the mentally ill except under the provisions of
18 sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, as
19 amended, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive,

20 as amended, 17a-560 to 17a-576, inclusive, 17a-615 to 17a-618,
21 inclusive, and 17a-621 to 17a-664, inclusive, and chapter 359.

22 (c) If the conservator of the person determines it is necessary to
23 cause the ward to be placed in an institution for long-term care, the
24 conservator shall file a report of such action with the probate court that
25 appointed the conservator prior to placing the ward in such institution.
26 The report shall set forth the basis for the conservator's determination,
27 what community resources have been considered and the reasons why
28 the ward's physical, mental and psychosocial needs cannot be met in a
29 less restrictive and more integrated setting. Such community resources
30 include, but are not limited to, resources provided by the area agencies
31 on aging, the Alternate Care Unit of the Department of Social Services,
32 congregate or subsidized housing, the Office of Protection and
33 Advocacy for Persons with Disabilities, the Department of Mental
34 Health and Addiction Services, the Department of Mental Retardation
35 and any local Center for Independent Living. The conservator shall
36 give notice of such action and a copy of such report to the ward and
37 other interested parties as determined by the court. Upon the request
38 of such interested party, the court shall hold a hearing on such action
39 and report not later than thirty days after the date of the request. The
40 court may also, in its discretion, hold a hearing on such action and
41 report in any case where no request is made. If the court, after such
42 hearing, determines that the ward's physical, mental and psychosocial
43 needs can be met in a less restrictive and more integrated setting
44 within the limitations of the resources available to the ward, either
45 through the ward's own estate or public assistance, the court shall
46 order that the ward be placed and maintained in such setting. For
47 purposes of this subsection, an "institution for long-term care" means a
48 facility that has been federally certified as a skilled nursing facility or
49 intermediate care facility.

This act shall take effect as follows:	
Section 1	October 1, 2004

AGE

Joint Favorable Subst. C/R

JUD